

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
ALEXANDER NIKOLAS GIERCZYK,

Plaintiff,

-against-

OLYMPUS PEAK TRADE CLAIMS
OPPORTUNITIES FUND I NON-ECI
MASTER LP,

Defendant.

ANALISA TORRES, District Judge:

On October 15, 2024, the Court ordered Plaintiff to amend his complaint to allege the citizenship of each of Defendant's general and limited partners by November 11, 2024, as Plaintiff invokes subject matter jurisdiction by reason of diversity of citizenship. ECF No. 6 (citing *Handelsman v. Bedford Vill. Assocs. Ltd. P'ship*, 213 F.3d 48, 51–53 (2d Cir. 2000)); *see also Leveraged Leasing Admin. Corp. v. PacifiCorp Cap., Inc.*, 87 F.3d 44, 47 (2d Cir. 1996) ("[D]iversity of citizenship 'should be distinctly and positively averred in the pleadings, or should appear with equal distinctness in other parts of the record.'" (quoting *Wolfe v. Hartford Life & Annuity Ins. Co.*, 148 U.S. 389, 389 (1893))). The Court's October 15 order stated that "[i]f Plaintiff fails to allege complete diversity based upon the citizenship of Defendant's general and limited partners, the complaint shall be dismissed for lack of subject matter jurisdiction." ECF No. 6. To date, Plaintiff has failed to amend the complaint.

Accordingly, this action is DISMISSED, without prejudice, for failure to establish subject matter jurisdiction. The Clerk of Court is respectfully directed to close the case.

SO ORDERED.

Dated: November 13, 2024
New York, New York

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 11/13/2024

24 Civ. 7708 (AT)

**ORDER
OF DISMISSAL**



ANALISA TORRES
United States District Judge